
IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

SALVADOR DURAN,
Plaintiff,

vs.

UNITED STATES OF AMERICA,
Defendant.

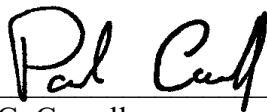
**ORDER DENYING DEFENDANT'S
§ 2255 MOTION TO VACATE
SENTENCE**

Case No. 2:06-CV-00021 PGC

In his motion, defendant Salvador Duran argues that his sentence must be vacated or amended because of the recent *Booker/Blakely* decisions. In light of this court's opinion in *Rucker v. United States*,¹ Duran's § 2255 motion to vacate sentence is DISMISSED because those rulings cannot be retroactively applied. And any collateral consequences stemming from his status as a deportable alien do not entitle him to relief under § 2255.²

DATED this 15th day of May, 2006.

BY THE COURT:



Paul G. Cassell
United States District Judge

¹382 F. Supp. 2d 1288 (D. Utah 2005).

²*United States v. Mendoza-Lopez*, 7 F.3d 1483 (10th Cir. 1993), *overruled on other grounds by United State v. Fagan*, 162 F.3d 1280 (10th Cir. 1998).